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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,509	09/14/2001	Barry Omshehe	213306	8458
23460	7590	01/04/2005	EXAMINER	
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			BAUGH, APRIL L	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/954,509

Applicant(s)

OMSHEHE ET AL.

Examiner

April L Baugh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20021222&amp;2002212</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,390,297 to Barber et al. in view of Applicant Admitted Prior Art (AAPA) and further in view of Flowers, Jr. et al. (US 5,533,174).

Regarding claim 1, Barber et al. teaches a method for administering a session-based concurrent user licensing agreement on a server such that a single logon during a session persists across multiple distinct resources to which access is provided via the site, the method comprising the steps: receiving, by the server, an access request to a resource for which a license is required (column 2, lines 6-18); invoking, based upon a code within a sequence of commands associated with the requested resource, a license manager associated with restricted resources associated with the server (column 2, 39-43), the license manager performing the further steps of: second confirming that a concurrent license is available to assign to the identified source (column 2, line 59-column 3, line 9 and column 3, lines 25-30); and adding the identified source to a persistent list of concurrent users to which a concurrent user license is assigned (column 2, lines 47-54 and column 3, lines 35-40).

Barber et al. does not teach of a portal server. AAPA teaches method for administering a session on a manufacturing/process control information portal such that a single logon during a session persists across multiple distinct resources to which access is provided via the plant information portal site (page 2, lines 26-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system for controlling the number of concurrent copies of a program in a network based on the number of available licenses of Barber et al. by having a portal server provide the resources because a portal server is one type of server that provides information from various resources online.

Barber et al. in view of AAPA does not teach confirming that an identified source associated with the request does not possess a concurrent user license. Flowers, Jr. et al. teaches first confirming that an identified source associated with the request does not possess a concurrent user license (column 2, lines 62-64 and column 5, lines 8-10 and 17-22). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system for controlling the number of concurrent copies of a program in a network based on the number of available licenses of Barber et al. in view of AAPA by confirming that an identified source associated with the request does not possess a concurrent user license because if the client currently possesses a concurrent license than the client currently has access to the resources and there is no need to issue a second license.

Regarding claim 3, Barber et al. teaches the method of claim 1 (column 2, lines 6-18 and 39-43 and 47-54).

Barber et al. does not teach of a accessing portal resources via a web page. AAPA teaches wherein the invoking step is performed in response to an attempt by a particular identified user-

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session to access portal resources via a web page provided by the portal (page 2, lines 26-29 and page 3, lines 5-11 and 17-19). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system for controlling the number of concurrent copies of a program in a network based on the number of available licenses of Barber et al. by accessing portal resources via a web page because one type of portal server function is providing access to users through a web page where the user accesses the site using browser software.

Regarding claim 2, Barber et al. teaches the method of claim 1 wherein the second confirming step is based upon a maximum number of allowed concurrent license claims under an established concurrent license agreement maintained by the license manager (column 2, lines 10-19 and 59-68).

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to concurrent licensing with portal servers in general: Robert et al., Bains et al, Baratti et al., Griswold, Barritz et al., Rivera et al., Khan et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 571-272-3877. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER